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Attorneys for Defendant,  
PAYPAL, INC.

IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re:

DUSTIN CORY MAYFIELD,  
KAYLA SHERINE MAYFIELD,

Debtors.

DUSTIN CORY MAYFIELD,

Plaintiff,

v.

PAYPAL, INC.,

Defendant.

Case No. 15-34792-tmb13

Adv. Proc. No. 15-03210-tmb

**AMENDED ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANT PAYPAL, INC.  
TO COMPLAINT**

PayPal, Inc., defendant in the above captioned case, ("PayPal" or "Defendant"), by and through its counsel, Holland & Knight LLP, hereby answers the Complaint filed by Dustin Cory Mayfield ("Mayfield" or "Plaintiff"), and states:

INTRODUCTION

1. Denied.

## JURISDICTION

2. Admitted for jurisdictional purposes only.
3. Admitted for jurisdictional purposes only.

## NATURE OF CLAIMS

4. PayPal admits that Plaintiff's claim for violation of the automatic stay is a core proceeding. PayPal is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 4.

## THE PARTIES

5. PayPal admits that Plaintiff filed for bankruptcy protection under Chapter 13 of Title 11. PayPal is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 5.

6. PayPal admits that Plaintiff listed PayPal as an unsecured creditor in his bankruptcy schedules.

7. PayPal denies that the allegations in paragraph 7 represent a fair and complete characterization of PayPal.

8. PayPal denies that the allegations in paragraph 7 represent a fair and complete characterization of PayPal.

9. PayPal denies that the allegations in paragraph 9 represent a fair and complete characterization of PayPal.

10. PayPal denies that the allegations in paragraph 10 represent a fair and complete characterization of PayPal.

11. Denied.

12. PayPal is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 12.

FACTUAL ALLEGATIONS SPECIFIC TO PLAINTIFF

13. PayPal admits that Plaintiff filed for bankruptcy protection and denies the balance of the allegations in paragraph 13.

14. PayPal admits that it received notice of Plaintiff's bankruptcy case.

15. Denied.

16. Denied.

17. Denied.

PAYPAL'S PATTERN AND PRACTICE IN THE DISTRICT OF OREGON

18. PayPal admits that Denise Johnson filed for bankruptcy protection. PayPal denies that prior to the commencement of Mrs. Johnson's bankruptcy case, she owed an unsecured debt to PayPal.

19. PayPal admits that it received notice of Denise Johnson's bankruptcy case.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

PUNITIVE DAMAGES

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

### CAUSE OF ACTION

#### CLAIM ONE

29. PayPal re-alleges its responses to the allegations in Paragraphs 1 through 28 herein.

30. Denied.

31. Denied.

32. Denied.

#### CLAIM TWO

33. PayPal re-alleges its responses to the allegations in Paragraphs 1 through 32 herein.

34. Denied.

35. Denied.

### FIRST AFFIRMATIVE DEFENSE

#### (Failure to State a Claim)

Plaintiff has failed to state a claim against PayPal upon which relief can be granted as PayPal is not a proper party to this action. PayPal was not a pre-petition creditor of Plaintiff and did not contact him after his bankruptcy filing regarding an unpaid debt.

## SECOND AFFIRMATIVE DEFENSE

### (Improper Service)

The Complaint should be dismissed under Fed. R. Civ. P. 12(b)(7), as made applicable to this litigation by Fed. R. Bankr. P. 7012(b), for failure of the Plaintiff to serve the true party in interest.

## THIRD AFFIRMATIVE DEFENSE

### (No Basis In Law Or Fact)

The Complaint should be dismissed as the Plaintiff has advanced claims and theories against PayPal that have no basis in law or fact.

## RESERVATION OF RIGHTS

PayPal expressly reserves and preserves its rights to supplement or amend this Answer, including asserting such other defenses as may become available and apparent in the course of discovery.

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WHEREFORE, Defendant PayPal, Inc. respectfully requests that this Court:

- A. Enter judgment in favor of PayPal dismissing the Complaint; and
- B. Grant such further relief as is appropriate.

DATED this 1<sup>st</sup> day of March, 2016.

Respectfully submitted,

By: /s/ Calon N. Russell

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ATTORNEYS FOR PAYPAL, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served on the following parties this 1st day of March, 2016 by electronically mailed notice from the Court:

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Olsen Daines PC  
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By: /s/ Calon N. Russell  
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